App F IX 4

Previous References (1941 / Mel) File No 135-41
Serial Nos 17, 30

hel 135-41-8, 15, 16

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for July 42

SUBJECT

Investing The V P of Mysore with more powers

To,

The President, city hel cl Mysore
L 239/11 7 42

Rejects the proposal

hcs 24 7 42

7144
L

General and Revenue Secretariat ml File No 135 of 1941-42 [App F III—2

Serial No

From the Odt Engr mil el, Shyporc
No GT 2763/41-42 D 21-5-42
Forwards for orders of Govt a copy of the resolution of the mil el D 12 5 42 resolving to the effect that the Govt be requested to reconsider their orders passed in the matter investing the Vice Odt of the Exc mil el with all the Powers, duties & executive functions of the mil el in respect of certain Depts of the mil Dept.
Submitted for orders with the Connected file (mil 135-41 (8,15&16))

1) Kindly refer us noted to the notes & orders on the office file placed below

2) The Mil el have requested for a reconsideration of the orders passed in the matter and one of the points urged is that the Govt do not empower the Govt to veto the resolns of the Council in the matter

3) The President requests orders of Govt for, under of any formal reply need be sent

Lawrence / for
29/5

4) The question has been considered and a

SECY LA [illegible]
4892 [illegible]
TO AIR 2
GOVT O [illegible]

NOTE—Contn sheet

Addressing the Vice Pdt Mysore cdy
with all the Powers—

ML File No 135 7144 of 1941-42

General and Revenue Secretariat

Serial No

DEWAN'S OFFICE
6 JUL 1942
235

OFFICE OF THE PRIVY
FOR L S G & P H
D 17 6 1942
N 7847

decree as amended at Hog Were are the powers
for reconsideration the penalties such a notice would
Memo (in L S G)

Hog
12 6 42
for
6 Sec
12 6 42
Hog
18 6
Lin

7 Sorted with a draft letter for approval
WKS
19/6
GS

SECY LAW DEPT
19 JUNE 1942
GOVT OF MYSORE

Lawsey Legl Lin 19 6 42

8) This file which had been sent up for
reference in connection with the
Lic Installation no 38 was
received back from the Secretariat to the
Minister Hog 20 6 with this subst
for orders

SECY LAW DEPT
163
4 JULY 1942
GOVT OF MYSORE

Lawsey Lin 4/7/42
9) As desired Hog
Secretariat
S
Lin 6/7/42

10) Mem 7/7/42
Hog
11) Memo 7/7/42

TYP
GEN
SEC

Do it

7144
L

General and Revenue Secretariat | ml | File No 135 | of 1941-42 | [App F III—2

Serial No	
30	To Mr Pdt, cig. ml cl, Mysore No L239 Dy 11-7-42 States that no new fresh grounds exist for a reconsideration of the orders already passed in the matter

Bo
5-13/7

NOTE—Contn sheet

WD 011 —GIB—5 000— 3 10 41

File No | of 194 | General and Revenue Secretariat

Serial No

-7144/L

GEN
OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Dated 21st APRIL 1939

S-T No 2763/41-42
Encls

ML135-41-1 L

FROM

B S R [illegible] VENKATA RAO, ESQ., B.A. (Hons)
~~M. NAVANEETHAM NAIDU Esq. B.A., B.L.~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE.

SECY TO GOVT DEPT
25 APR 1942
GOVT OF MYSORE

TO

C. NARASIMHA MURTHY IDU ESQ., B.A. B.L.
Secretary to Government
Law Department, Bangalore

Sir

Re - Investing the Vice-President with all the powers duties and executive functions of certain Departments under Section 38 of the Mysore City Municipalities Act
===

"T" I have the honour to state that your letter No L 100b4/ ML 135-41-16 dated the 21st April 1942 intimating that sanction cannot be accorded to the Council Resolution No 528 regarding the above was placed before the Municipal Council at their meeting held on 30th April 1942 and the subject was taken up for consideration at the adjourned meeting held on 12-5-1942 when the enclosed resolution for the consideration of Government was passed copy of the resolution on subject No 789 referred to in the last para therein is also enclosed for information I request you kindly to obtain orders of Government in the matter

I have the honour to be

Sir,

Your most obedient servant

B S Neelakanta Rao
PRESIDENT 21/5

SNR 21/5

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Tuesday the 12th May 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P Sit am ah E q B A B L *Vic Pr sident*
3 A Krishna Murty Esq
4 S Linganna Esq
5 T Na asimha Iyengar Esq B A B L
6 A N Surya arayana Rao Esq
7 Mrs B Kamesw ramma B A
8 Agar m Rangi h Fsq
9 B Na ay swamy Esq B A B I
10 M S N jappa Esq
11 G R Ra gaswamiah Esq
12 E P Nanj ppa Esq
13 G Janardan Naidu Esq
14 M R C B sappa Esq
15 T Venkataramaniah Esq
16 T S Alikhan Esq

ABSENT

17 U L Ramachandra Rao Esq
18 Chowdiah Fsq
19 M K Linganna Esq B A LL B
20 M C M llappa Esq
21 T S Rajagopala Iyen ar Esq M A LL B
22 N Rajagopala Iyengar Esq B A B I
23 T Mariappa Esq B A LL B
24 M V Venkataramiah Esq
25 Dr A J Ram L M & S
26 Patnam Sreenivasasetty Esq
27 Mahomed Khalilulla Esq M A LL B
28 Haji Mir Amiruddin Khuraichi Esq
29 S A Kareem Esq
30 B L Maridandiah Esq
31 F C Devaraja Urs Esq

====

Subject o 851 - Letter No 10064/ 1 135-41-16 dated 21st April 1942 from the Secretary to Government Law Department, intimating that Government cannot accord sanction to resolution o 528 dated 4-2-1942 in the matter of investing the Vice-President of the City Municipal Council with all the powers, duties and Executive functions of the Municipal Council in respect of certain departments of the Municipality

Resolution -

This Council requests the Government to reconsider this order in view of the observations made below -

1 That this Government Order is contrary to the powers vested in this Council by the Act under Section 58

2 It has to be respectfully pointed out that the Act does not empower the Government to veto the resolutions of the Council in this matter

3 Further this Council submits that the note appended to the subject No 789 may kindly be perused in this connection

Moved by Mr B Narasimhaswamy
Seconded by Mr T Narasimhamurthy
"Carried"

Sd B S Raghavendra Rao

PRESIDENT

Copy

B S Raghavendra Rao

PRESIDENT

S R

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Tuesday the 12th May 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P S t am ah Esq B A B L *Vice President*
3 A Krishna Murty Esq
4 S Li gan a Esq
5 T Na asimha Iyengar Esq B A B L
6 A N Suryanarayana Rao Esq
7 Mrs B Kameswaramma B A
8 Agaram Rangiah Fsq
9 B Nar yanaswamy Esq B A B I
10 M S Nanjappa Esq
11 G R Rangaswamiah Esq
12 E P Nanjappa Esq
13 G Janardan Naidu Esq
14 M R C Basappa Esq
15 T Venkataramaniah Esq
16 T S Alikhan Esq

ABSFNT

17 U L Ramachandra Rao Esq
18 Chowdiah Fsq
19 M K Linganna Esq B A LL B
20 M C Mallappa Esq
21 T S Rajagopala Iyengar Esq M A LL B
22 N Rajagopala Iyengar Esq B A B I
23 T Mariappa Esq B A LL B
24 M V Venkataramiah Esq
25 Dr A J Ram L M & S
26 Patnam Sreenivasasetty Esq
27 Mahomed Khalilulla Esq M A LL B
28 Haji Mir Amiruddin Khuraichi Esq
29 S A Kareem Esq
30 B L Maridandiah Esq
31 F C Devaraja Urs Esq

======

789 Letter No L 9362/ 1-135-41-13 dated 2-4-1942 from the Secretary to Government Law Department, Bangalore stating that Government regret that the resolution No 539 of the Municipal Council requiring amendment of a portion of the rule I Chapter IV of the rules and Bye-laws of the Mysore City Municipality cannot be accepted as it is contrary to the express terms of Section 26(1) of the Mysore City Municipalities Act 1933 and also not in accordance with section 49(b) of the Act

Resolution - This Government Order be referred back to Government for kind consideration in view of the reasonings pointed out by this Council as noted below

That the amendment that is now under question would not contravene Section 26(1) and Section 49(b) of the Mysore City Municipalities Act 1933 Under Section 26(1) the Vice-President is to exercise the executive function deputed by the President

in accordance with the general or special orders of the Government issued in this behalf

2 The assumption that the functions of the Vice-President could only be determined under Section 26(1) cannot be accepted in view of the existence of Section 38 in the Act Independently of Section 26(1) this council being an autonomous body can delegate certain of its executive functions to the President or Vice-President or to any stipendary officer or the Chairman of any Committee as contemplated under Section 38 of the Act

3 The amendment of the Bye-law under question is consistent with the transfer of certain powers from the President to the Vice-President made by this Council as per the Resolution No 539 of this Council

4 Section 49(b) of the Act invoked in this Government Order cannot come in the way of this Council exercising its powers under Section 38 of the Act Section 38 of the Act also empowers the Council to frame necessary rules At best the Government can only approve the rules framed by this Council under Section 49 or frame their own rules under Section 228 or modify the rule under Section 229 (1) of the Act

5 This Council respectfully points out that this Government Order under reference would infringe and conflict with powers vested in this Council under the Act and further this order would tend to legal complications and deadlock

It may also be pointed out that since certain powers have already been delegated to the Vice-President the exercise of such powers by the President would be Ultra Vires

As such this Council respectfully submits that the Government be pleased to reconsider the order and approve the rules framed in accordance with Section 38 of the Act

---

Moved by B Narayanaswamy
Seconded by M Narasimha Iyengar
Carried

(B S Raghavendra Rao)
President

Copy

B Raghavendra Rao
PRESIDENT

snr -

Appendix F G—1]

SUBJECT

Section ml

File No 135-41

Serial No 30

Diary No of letter replied to

No L 239

To

The Odt, Cof mel cl, Mysore

Sir,

General and Revenue Secretariat

( )

the *19*

Date of issue 11.7.42

Signed by V. Lakshmi Rao

With reference to your letter no GS 2763/41-42 Dy 21-5-42 forwarding for orders of Govt a copy of the resolution of the mel cl Dy 12-5-42 resolving that Govt be requested to reconsider their orders passed in the matter of investing the Vice Odt of the City mel cl with all the powers, duties and executive functions of the mel cl in respect of certain Departments

List of enclosures

Copied by

Examined by

of the Mehr, I am directed to state that no new fresh grounds exist for reconsideration of the orders already passed in the matter

I have etc

for Secy to Govt
Law Deptt